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\*Admitted only in Maryland \*Admitted only in Virginia •Practice Limited to Federal Agencies

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October 4, 2006

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WRITER'S DIRECT NUMBER:

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 2152

Attn: Mail Stop RCE

Re:

U.S. Utility Patent Application

Appl. No. 10/758,282; Filed: January 16, 2004

For: Method and System for Downloading Network Data at a Controlled

Data Transfer Rate
Inventors: COOPER et al.

Our Ref: 2018.0050001

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. PTO Fee Transmittal Form (PTO/SB/17);
- 2. Petition for Extension of Time Under 37 C.F.R. 1.136(a);
- 3. Request for Continued Examination (RCE) Transmittal (PTO/SB/30);
- 4. Terminal Disclaimer to Obviate a Double Patenting Rejection Over A "Prior" Patent;
- 5. Amendment and Reply Under 37 C.F.R. § 1.114;
- 6. Copy of a Power of Attorney to Prosecute Applications Before the USPTO;
- 7. Statement Under 37 C.F.R. 3.73(b);
- 8. One (1) return postcard; and

Sterne, Kessler, Goldstein & Fox PLLIC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents October 4, 2006 Page 2

9. Credit Card Payment Form (PTO-2038) in the amount of \$1,940.00 to cover:

\$\_790.00 - Request for Continued Examination (RCE) Fee;

\$1,020.00 - Petition for Three-Month Extension of Time Fee; and

\$ 130.00 - Terminal Disclaimer Fee.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

MPO S. Water

Bryan S. Wade

Attorney for Applicants Registration No. 58,228

MVM/BSW:apg:smn Enclosures

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PTO/SB/17 (01-06)
Approved for use through 07/31/2006. OMB 0651-0032
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| Resource Ent to the Consolidated Appropriations Act, 2005 (H.R. 4818).   |                 |                      |          | Complete if Known        |                |                         |                       |  |
|--|-----------------|----------------------|----------|--------------------------|----------------|-------------------------|-----------------------|--|
| FEE TRANSMITTAL For FY 2006  |                 |                      |          | Application Nun          | nber 10/7      | 10/758,282              |                       |  |
|  |                 |                      |          | Filing Date              | Janu           | January 16, 2004        |                       |  |
|  |                 |                      |          | First Named Inv          | ventor Jere    | Jeremy S. COOPER        |                       |  |
| Applicant Applic |                 |                      |          | Examiner Name            | e El H         | El Hady, Nabil M.       |                       |  |
| MOEMAN   |                 |                      |          | Art Unit 2152            |                |                         |                       |  |
| TOTAL AWIOUNT OF PAY   | MI⊑141 (3       | 1,940.00             |          | Attorney Docke           | t No. 2018.    | 0050001                 |                       |  |
| METHOD OF PAYMENT (check all that apply)   |                 |                      |          |                          |                |                         |                       |  |
| Check X Credit Card Money Order Other (please identify):   |                 |                      |          |                          |                |                         |                       |  |
| X Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.  |                 |                      |          |                          |                |                         |                       |  |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)   |                 |                      |          |                          |                |                         |                       |  |
| Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  |                 |                      |          |                          |                |                         |                       |  |
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| under 37 CFR 1.16 and 1.17  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.   |                 |                      |          |                          |                |                         |                       |  |
| FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)   |                 |                      |          |                          |                |                         |                       |  |
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES  |                 |                      |          |                          |                |                         |                       |  |
|  | FILING          | FEES<br>Small Entity | SEAR     | CH FEES                  |                | TION FEES               |                       |  |
| Application Type   | Fee (\$)        | Fee (\$)             | Fee (\$) | Small Entity<br>Fee (\$) | Fee (\$)       | mall Entity<br>Fee (\$) | Fees Paid (\$)        |  |
| Utility  | 300             | 150                  | 500      | 250                      | 200            | 100                     |                       |  |
| Design   | 200             | 100                  | 100      | 50                       | 130            | 65                      |                       |  |
| Plant  | 200             | 100                  | 300      | 150                      | 160            | 80                      |                       |  |
| Reissue  | 300             | 150                  | 500      | 250                      | 600            | 300                     |                       |  |
| Provisional  | 200             | 100                  | 0        | 0                        | 0              | 0                       |                       |  |
| 2. EXCESS CLAIM FEES <u>Small Entity</u> Fee (\$) Fee (\$)   |                 |                      |          |                          |                |                         |                       |  |
| Each claim over 20 (including Reissues)  |                 |                      |          |                          |                | 50                      | <u>Fee (\$)</u><br>25 |  |
| Each independent claim over 3 (including Reissues)   |                 |                      |          |                          |                | 200                     | 100                   |  |
| Multiple dependent claims  |                 |                      |          |                          |                | 360                     | 180                   |  |
| <u>Total Claims</u>  |                 |                      |          |                          |                |                         | ependent Claims       |  |
| $\frac{7}{100}$ - 20 or HP14 $\frac{1}{100}$ x $\frac{1}{100}$ x $\frac{1}{100}$ = $\frac{1}{100}$ HP = highest number of total claims paid for, if greater than 20.   |                 |                      |          |                          |                | <u>Fee (\$)</u>         | Fee Paid (\$)         |  |
| Indep. Claims  | Extra Clai      | ms Fee (\$)          |          | Paid (\$)                |                | 360.00                  | 0,00                  |  |
| 3 - 3 or HP 3 0 x $200.00$ = $0.00HP = highest number of independent claims paid for, if greater than 3.$  |                 |                      |          |                          |                |                         |                       |  |
| 3. APPLICATION SIZE FEE  |                 |                      |          |                          |                |                         |                       |  |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer  |                 |                      |          |                          |                |                         |                       |  |
| listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  |                 |                      |          |                          |                |                         |                       |  |
| Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)  - 100 = /50 = (round up to a whole number) x  |                 |                      |          |                          |                |                         |                       |  |
| 4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount)  Fees Paid (\$)  |                 |                      |          |                          |                |                         |                       |  |
| Other (e.g., late filing surcharge): Terminal Disclaimer/EOT/RCE Fees 1,940.00   |                 |                      |          |                          |                |                         |                       |  |
| SUBMITTED BY   |                 |                      |          |                          |                |                         |                       |  |
| Signature  | 70 <del>6</del> | wade                 |          | Registration No.         | <b>50.</b> 555 | Telepho                 | ine canal series      |  |
|  |                 | with                 | ] (/     | Attorney/Agent)          | 58,228         |                         | (202) 371-2600        |  |
| Name (Print/Type) Bryan S  | . Wade          |                      |          |                          |                | Date                    | October 4, 2006       |  |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.